

1.0 INTRODUCTION

This document constitutes the Final Environmental Impact Report (Final EIR) for the Patterson Ranch Planned District (henceforth “project”). The Final EIR is an informational document prepared by the lead agency (City of Fremont) that must be considered by the decision makers before approving or denying the project. Pursuant to Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this Final EIR consists of: (a) revisions to the [Recirculated] Draft EIR; (b) comments received on the [Recirculated] Draft EIR; (c) a list of persons, organizations, and public agencies commenting on the [Recirculated] Draft EIR; (d) the City’s responses to significant environmental points raised in the review and consultation process, and (e) any other information added by Fremont.

Subsequent to the publication of the Recirculated Draft EIR, the project applicant proposed a new mitigation measure that would eliminate the removal of 300,000 cubic yards of soil on 138 acres southwest of Ardenwood Boulevard within the project area. The applicant has indicated that the soil needed for construction would be hauled onto the site from an offsite location. At this time, the offsite location of where soil would be extracted has not been identified; however, the extraction of soil and haul routes would require approval from the City prior to implementing this action. The changes associated with the incorporation of this new mitigation measure into the project are reflected within this Final EIR in strikethrough/underline format.

The project proposes future development on approximately 111 acres of the 428-acre project area and donation of 1 acre to the Union Sanitary District (USD) for a pump station. The approximately 316-acre open space area southwest of Ardenwood Boulevard would be maintained by the property owners and is proposed for donation to public agencies. Approximately 8 acres would be dedicated to Fremont to comply with parkland dedication requirements, and an additional 32 acres would be donated to Fremont. The applicants have not yet identified the agency that would be given the remainder of the site, although the East Bay Regional Park District is one possibility. Implementing the project would allow the development of up to 520 residential homes on 87 acres and approximately 14 acres of parks and trails. Approximately 10 acres southwest of

Ardenwood Boulevard is allocated for religious facilities. The plan provides for the future development of the northern portion of the project area and the preservation of the southern part of the project area as open space.

Three alternatives to the project are evaluated in this Final EIR including a no build alternative, a no project alternative, and a reduced density alternative. The no build alternative considers no future development within the project area, and the no project alternative considers the continuation of the existing land use or regulatory plan for the project area. The reduced density alternative assumes development of 355 residential units northeast of Ardenwood Boulevard.

1.1 LEVEL OF ANALYSIS

As noted in CEQA Guidelines Section 15146, the degree of specificity in an EIR will correspond to the degree of specificity in the underlying activity described in the EIR. The project separates the property into three sites: site 1 would develop single-family residential uses with associated neighborhood parks and trails, site 2 would allow for future use of religious facilities, and site 3 remains unchanged, will be maintained by the property owners and eventually donated as open space.

These three sites are described in detail in **Chapter 3.0**. The level of analysis in this EIR corresponds to the level of detail available for each site. In some cases the level of analysis contained in this EIR will be sufficient to proceed with project implementation without further environmental review. In other cases, such as for the religious facilities and open space area, as described in CEQA Guidelines Section 15162, further environmental review will be required prior to development of any religious facility or a change of use in the open space area.

1.2 FINAL EIR ORGANIZATION AND CONTENT

This Final EIR consists of two volumes: Volume I is the modified Recirculated Draft EIR that incorporates the new mitigation measure and any clarifications or expanded discussions developed as a result of comments on the Recirculated Draft EIR; Volume II is the Response to Comments on the Recirculated Draft EIR and the Mitigation Monitoring and Reporting Program. The appendices to Volume I are included on a CD. The following describes the organization and content for each volume.

1.2.1 VOLUME I - MODIFIED RECIRCULATED DRAFT EIR

- **Chapter 1.0: Introduction.** This chapter provides an introduction to the Final EIR and introduces the applicant's mitigation measure to eliminate the removal of 300,000 cubic yards of soil from the project area. This section describes the CEQA requirements for a Final EIR and explains the organization and content of the document.
- **Chapter 2.0: Executive Summary.** This chapter provides a summary of the potential environmental impacts related to implementation of the project and describes the alternatives to the project that were evaluated. This chapter provides a summary table that identifies the proposed mitigation measures to reduce impacts and shows the level of significance of impacts before and after mitigation measures are incorporated. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.
- **Chapter 3.0: Project Description.** This chapter describes the project, incorporating the site plans and other materials submitted by the project applicant. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.
- **Chapter 4.0: Environmental Setting, Impact and Mitigation Measures.** This chapter describes the environmental setting, including applicable plans and policies; provides an analysis of the potential environmental impacts of the project; and identifies mitigation measures to reduce their significance. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.
- **Chapter 5.0: Cumulative Impacts.** This chapter describes the environmental impacts that could occur with implementation of the project, in combination with other approved, planned, or on-going projects locally and regionally. Where cumulative impacts are identified, the analysis determines whether the project's contribution to these impacts is cumulatively considerable. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.

- **Chapter 6.0: Alternatives to the Project.** This chapter considers alternatives to the project and compares the impacts of these alternatives to the project. This chapter includes an analysis of the No Project alternative as required by CEQA. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.
- **Chapter 7.0: CEQA Required Considerations.** This chapter provides a summary discussion of project-related effects, including the effects found not to be significant unavoidable significant effects, and a discussion on the project's potential to induce growth in the area. Changes that have occurred as a result of the applicant's new mitigation measure, response to comments, and staff-initiated changes (i.e., minor clarifications and edits) are shown in underline/strikethrough format.
- **Chapter 8.0: References.** This Chapter identifies the references, organizations, and person contacted during preparation of this Final EIR.
- **Chapter 9.0: List of Preparers.** This chapter identifies the Lead Agency and consultants involved in the preparation of this Final EIR. No changes have been made to this chapter since the publication of the Recirculated Draft EIR.

The **Appendix** (on CD-Rom) includes the NOP and copies of the comments received on the NOP, and copies of the technical reports prepared by environmental and technical specialists for the evaluation of the revised project.

1.2.2 VOLUME II - RESPONSE TO COMMENTS/MMRP

- **Chapter 1.0: Response to Comments.** This chapter provides responses to all comments received during the public review period for the project. Copies of all comments letters received up to the end of the public review period are provided this chapter.
- **Chapter 2.0: Mitigation Monitoring and Reporting Program (MMRP).** As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program for assessing and ensuring efficacy of any mitigation measures applied to the proposed project. This chapter includes the MMRP for the project.

1.3 FINAL EIR ENVIRONMENTAL REVIEW PROCESS

The Final EIR will be considered by Fremont in a public meeting. Prior to approving the project, the City must certify that (1) the Final EIR has been completed in compliance with CEQA; (2) the City has reviewed and considered the information in the Final EIR; and (3) the Final EIR reflects the City's independent judgment and analysis (CEQA Guidelines Section 15090).

Once the Final EIR is certified, the City will consider the project for approval. As part of the approval process, the City will make written findings for each significant impact identified for the proposed project. The findings will indicate whether feasible mitigation measures have been incorporated into the project that will avoid or substantially reduce the significant environmental effects identified in the Final EIR. The findings will also address alternatives considered by Fremont to avoid or reduce significant impacts identified for the project. If the City finds that all impacts have not been avoided or substantially reduced, it must make findings of overriding consideration, stating why the project's benefits justify approval of the project, to approve the project.

CEQA requires that when a public agency makes findings based on an EIR that include the adoption of mitigation measures, the public agency must adopt a reporting or monitoring program for those mitigation measures that it has adopted or made a condition of project approval in order to mitigate or avoid significant environmental effects. The City has prepared a Mitigation Monitoring and Reporting Program for the project, which is presented in **Volume II, Chapter 2.0** of this Final EIR.

1.4 REQUIREMENTS FOR RECIRCULATION

If significant new information is added to an EIR after the public review, the lead agency is required to recirculate the EIR or a portion of it for additional public review and comments (CEQA Guidelines, Section 150885). "[N]ew information to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement... [R]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies.... or makes insignificant modification in....an

adequate EIR” (Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California (1993) 6 Cal. 4th 1112, 1129-1130). Significant new information requiring recirculation may include, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant impacts of the project, but the project’s proponents decline to adopt it; and
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Following publication of the Recirculated Draft EIR, the project applicant developed a mitigation measure that proposes to bring the soil in from an offsite location, rather than borrow 300,000 cubic yards from 138 acres on site 3. Incorporation of this new mitigation measure removes any identified significant impacts associated with the removal of topsoil and other related grading activities on that portion of the project area. **Chapter 3** in Volume I of this Final EIR identifies the specific changes to the project and shows changes to the project throughout the chapter in strikethrough/underline format.

As described in **Chapter 3**, the project continues to propose the donation of 316 acres of open space to public agencies, including Patterson Slough, the nearby stands of oak trees, large wetlands, and large expanses of surrounding agricultural lands. No excavation or grading is proposed in the open space.

Throughout the Final EIR technical discussions, the impacts from the grading and removal of 300,000 cubic yards of soil, along with any associated mitigation measures, have been deleted or modified to remove text associated with the borrow of soil. These changes are also shown in strikethrough/underline format.

Although incorporation of the applicant’s new mitigation measure has resulted in modifications to the text of the Recirculated Draft EIR, the changes have reduced or avoided significant impacts to sensitive biological and cultural resources in the project area. Incorporation of this new mitigation measure does not result in a new significant impact or substantially increase the severity of an already identified impact in the Recirculated Draft EIR. The removal of the soil borrow element from

the project would, instead, primarily remove impacts. While more trucks would be required to haul soil to the site, the Recirculated Draft EIR provided an evaluation of traffic, air quality and noise impacts from construction truck traffic (**Impacts TC-2, AQ-4 and NOI-2**). This evaluation is reconsidered in light of the new mitigation measure in **Sections 4.3 Air Quality, 4.12 Noise and Vibration, and 4.17 Transportation and Circulation**, in Volume I of this Final EIR. Additionally, there are no impacts described as less than significant in the Recirculated Draft EIR that have been reevaluated in the Final EIR and found to be significant. For these reasons, the applicant's new mitigation measure has been incorporated into this Final EIR, and recirculation of the Draft EIR is not required pursuant to CEQA.

1.5 INCORPORATING BY REFERENCE

The 2009 Draft EIR and this Final EIR references several technical studies, analysis, and reports. Information from the documents that have been incorporated by reference has been summarized in the appropriate sections(s) of this Final EIR, as permitted in Section 15150 of the CEQA Guidelines, with a description of how the public may obtain and review these documents. The documents and other sources that have been used in the preparation of this Final EIR are identified in **Chapter 8, References**.

The CEQA Guidelines set forth three methods that may be used to incorporate data from other sources in the EIR:

1. Use of an EIR appendix (14 Cal Code Regs 15148)
2. Citation to technical information (14 Cal Code Regs 15148)
3. Incorporation by reference (14 Cal Code Regs 15150)

Information in an EIR appendix may include summarized technical data, maps, plot plans, diagrams, and similar information in sufficient detail to permit the public and reviewing agencies to make full assessment of the project's significant environmental effects. To achieve a balance between the highly technical analysis referenced in an EIR and EIR's public information function, the CEQA Guidelines allow technical analyses as appendices to the main body of the EIR. The appendices are presented on a CD-Rom as Volume I to this Final EIR.

Source documents that are not project-specific have been cited in this Final EIR. All documents referenced in the Final EIR are incorporated by reference and available at the City of Fremont Planning Division, 39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006.

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